

BEFORE THE
U.S. DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

Application of)	
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)	
ANTONOV DESIGN BUREAU)	Docket OST-2003-16563
)	November 25, 2003
for exemptions and a statement of)	
authorization under 14 C.F.R. Part 212)	
)	

CONSOLIDATED ANSWER OF ATLAS AIR, INC.

Communications with respect to this document should be served on:

John W. Dietrich
Vice President, General Counsel &
Chief Human Resources Officer
ATLAS AIR, INC.
2000 Westchester Avenue
Purchase, NY 10577-2543
(914) 701-8327 - Telephone
(914) 701-8333 - Fax
jdietrich@atlasair.com

Russell E. Pommer
Associate General Counsel & Director
of Regulatory Affairs
ATLAS AIR, INC.
1747 Pennsylvania Ave. N.W., Suite 875
Washington, D.C. 20006
(202) 822-9121 - Telephone
(202) 822-9152 – Fax
rpommer@atlasair.com

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On November 21, 2003, Antonov Design Bureau “(Antonov”) submitted an application for a statement of authorization and related emergency exemptions to operate a 5th freedom charter flight from New York (JFK) to Khartoum, Sudan. Atlas Air, Inc. hereby submits its consolidated answer to the authorization and exemption requests.

Given Antonov’s historically heavy reliance on 5th freedom operations and the lack of openness of the U.S.-Ukraine aviation relationship, the Department typically grants this type of request only upon a compelling public interest showing. Generally, such a showing is made when the cargo in question is outsized and thus cannot be accommodated by a U.S. carrier.

Unlike the situation involved in most Antonov approvals (including the Sudan flight approved by the Department earlier this year in Docket OST-2003-14288), the flight proposed here will carry general, non-outsized cargo. The only justification given for the charterer’s use of Antonov is the statement that “[t]he organization has set out to airlift these gifts from New York to Khartoum using ‘the world’s largest airplane,’ which is

Antonov's AN-225 MRIYA Super Heavy Transport airplane.” There is no statement to
the

effect that operational, logistical or other reasons require the use of the AN-225, let alone an explanation why that may be so.

According to Antonov, the flight is expected to operate in the December 7 – 9 time frame with a payload of approximately 150 metric tons, consisting of 80,000 “shoe box gifts” for distribution by a charitable organization to needy Sudanese children. The stated reason for the flight is beyond reproach, and Antonov is seeking regulatory approval before commencement of the four-day Thanksgiving holiday. Therefore, although Atlas believes it could accommodate the specified cargo in two B747 freighter aircraft at or close to what it understands the AN-225’s market rate to be, it has elected not to object to the instant application.

This should not be taken as acquiescence toward the operation of other 5th freedom flights carrying non-outsized cargo. In past months, Atlas has observed that applications claiming that cargo is outsized sometimes contain either facts suggesting otherwise or insufficient information to enable the Department to make evidentiary supportable findings. We intend to pay close attention to future 5th freedom applications and to submit objections to flights that are not demonstrably for outsized cargo.

Respectfully submitted,

Russell E. Pommer
Associate General Counsel & Director
of Regulatory Affairs
ATLAS AIR, INC.
1747 Pennsylvania Ave., N.W., Suite 875
Washington, D.C. 20006

November 25, 2003

ATLAS AIR, INC.
Answer

CERTIFICATE OF SERVICE

I hereby certify that I have, this 25th day of November 2003, caused a copy of the foregoing answer to be served by fax or e-mail on counsel for Antonov and representatives of all carriers served with Antonov's application.

Russell E. Pommer